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10/534,418	05/06/2005	Javier Del Prado Pavon	US020430	7091

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EXAMINER
RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/534,418	DEL PRADO PAVON ET AL.
	Examiner	Art Unit	
	SHARAD RAMPURIA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2008</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9,13-21,26 and 27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9,13-21,26 and 27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims

was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9, 13-21 & 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ho (US Pub. 2003/0081547) in view of **Sai et al.** ["QoS Signaling for Parameterized Traffic

in IEEE 802.11E Wireless LANs", by Sai Shankar et al., August 2002, pages 67-83. IDS filed on

05/06/2005].

Regarding claims 1, 7, 13 and 19, Ho teaches a Hybrid Controller (HC) for an

IEEE 802.11 wireless data communications system 100 supporting quality of service

(QoS) enhancements (Abstract, pages 2 - 3, paragraph [0029]) comprising:

a Station Management Entity (SME) 202 within the HC; and a Media Access Control

(MAC) Sub Layer Management Entity (MLME) 201 within the HC and communicably

coupled both to the SME 202 and to MLMEs 201 for wireless stations (WSTAs) 106, 109

participating in the IEEE 802.11 wireless data communications system 100 (Hybrid

Controller - 257 comprises MLME coupled to a SME. WSTAs -255, both include a MLME

(page 4, paragraphs [0041] - [0042], [0047], Fig 2b).

Ho doesn't teach specifically, wherein, responsive to receipt of a Schedule QoS Action frame at

the WSTA, the MLME within the WSTA generates an indication primitive for transmission to

the SME within the WSTA. However, **Sai** teaches in an analogous art, that wherein, responsive

to receipt of a Schedule QoS Action frame at the WSTA, the MLME within the WSTA generates

an indication primitive for transmission to the SME within the WSTA, and wherein the request

primitive includes a Schedule Element. (Pgs. 74-75: section 4.2 and Sec.2, Pgs. 69-70)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention

to including wherein, responsive to receipt of a Schedule QoS Action frame at the WSTA, the

MLME within the WSTA generates an indication primitive for transmission to the SME within

the WSTA in order to provide a method of a centrally controlled contention based channel access

in WLAN system.

Regarding claims 2 and 14, as applied to claims 1 and 13, Ho further discloses
wherein the request primitive contains an address for the one of the participating
WSTAs 106, 109 and a Schedule Element (Ho discloses QoS primitives consist of QoS
action frame bodies. It's that the QoS request primitive consists of QoS action
frame bodies that include the address of one of the WSTA and the Schedule Element
(page 5, paragraphs, [0048] - [0050], page 7, paragraph [0073], Fig. 6a).

Regarding claim 3 and 15, as applied to claims 2 and 14, Ho further discloses
wherein the SME 202 transmits the request primitive to the MLME 201 within the HC
(page 4, paragraph [0050], pages 6 - 7, [0067], Fig. 5a).

Regarding claims 4 and 16, 26, as applied to claims 3 and 15, Ho further discloses
wherein responsive to receiving the request primitive from the SME 202, the MLME 201
formulates a Schedule QoS Action frame containing the Schedule Element and transmits
the formulated Schedule QoS Action frame (Ho discloses Qos primitives consist of QoS
action frame bodies. It's that the QoS request primitive consist of QoS action
frame bodies that include the Schedule Element [page 5, paragraphs [0048] - [0050],
pages 6 - 7, Paragraphs [0066], [0067], Fig. 5a]).

Regarding claim 5 and 17, 27, as applied to claims 4 and 16, Ho further discloses the
wireless data communications system 100 further comprising: a MLME 201 within the
one of the participating WSTAs 106, 109, wherein the MLME 201 within the one of the

participating WSTAs 106, 109, responsive to receipt of the Schedule QoS Action frame

by the one of the participating WSTAs 106, 109, generates an indication primitive for

transmission to an SME 202 within the one of the participating WSTAs 106, 109 (page

5, paragraph [0052], page 7, paragraphs [0067] - [0068], Fig. 5a).

Regarding claims 6 and 18, as applied to claims 5 and 17, Ho further discloses

wherein the indication primitive includes the Schedule Element (Ho teaches QoS

primitives include QoS action frame bodies. It's that the QoS indication

primitive consists of QoS action frame bodies that include the Schedule Element (page

5, paragraphs, [0048], [0052], page 7, paragraph [0073], Fig. 6a).

Regarding claims 8 and 20, as applied to claims 7 and 19, Ho further discloses

wherein the confirm primitive includes a result code corresponding to the result for the

request primitive (page 5, paragraph [00511).

Regarding claims 9 and 21, as applied to claims 8 and 20, Ho further discloses

the MLME 201 within the HC transmits the confirm primitive to the SME 202 within the

HC (page 5, paragraph [0051], page 7, paragraph [0068], Fig. 5a).

Response to Amendments & Remarks

Applicant's arguments filed on 10/24/2008 have been fully considered but they are not persuasive.

Relating to Claim 1:

In view of the fact, that **SAI** teaches, "To make a resource reservation at a node, the RSVP daemon communicates with two local decision modules, i.e., admission control and policy control modules. The admission control module determines whether the node has sufficient available resources to supply the requested QoS. The policy control module determines whether the user has an administrative permission to make the reservation. If either check fails, the RSVP daemon returns an error notification to the application process that originated the request. If both checks succeed, the RSVP daemon sets parameters in a packet classifier and packet scheduler to achieve the desired QoS." (Sai, Sec.2, Pgs. 69-70). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for scheduling resources based on admission and authorizing policies, that positively, edify by **SAI**. Hence, it is believed that **SAI** still teaches the claimed limitations.

In response to applicant's argument that there is no suggestion to **combine** the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

In response to applicant's argument that the examiner's conclusion of obviousness is
based upon improper **hindsight** reasoning, it must be recognized that any judgment on
obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so
long as it takes into account only knowledge which was within the level of ordinary skill at the
time the claimed invention was made, and does not include knowledge gleaned only from the
applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,
170 USPQ 209 (CCPA 1971).

In this case, **SAI** teaches a technique for reservation resources setup based on criteria
including authorization of a communications system to increase efficiency and improve
performance (Please see Abstract, pg. 68 and 69), which is in the same field of endeavor as **Ho**.
Therefore, one skill in the art would recognize the amalgamation of the above two references is
proper.

The above arguments also recites for the other independent claims, consequently the
response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent
claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

<div align="center">***Conclusion***</div>

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
 Art Unit 2617